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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): I-2-0160.2US

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on 8/15/08

Signature: [signature]

Typed or printed name: C. Frederick Koenig III

Application Number	Filed
10/082,844	February 25, 2002

First Named Inventor: Stephen E. Terry

Art Unit	Examiner
2616	Roberta A. Shand

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 29,662
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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8/15/08
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Stephen E. Terry

Application No.: 10/082,844

Confirmation No.: 2616

Filed: February 25, 2002

For: SYNCHRONIZATION OF TIMING ADVANCE AND DEVIATION

Group: 2616

Examiner:

Our File: I-2-0160.2US

Date: August 15, 2006

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Pre-Appeal Brief Review is hereby requested in the above-identified patent application for the following reasons:

Pending claims 1 and 2 specify a method and apparatus for effectuating timing adjustments (TAs) in formatted wireless communications by the novel use of a Connect Frame Number (CFN). For example, claim 1 specifies:

> receiving communication data from a BS [base station] within system time frames including a TA signal which includes TA data **and a Connect Frame Number (CFN) specifying a specific frame for effectuating a timing adjustment**; and

> adjusting the timing of uplink transmissions of the MT [mobile terminal] in response to TA data in the received TA signal **commencing in the time frame specified in the CFN of the received TA signal.**
> (emphasis added)

Timing adjustments (TAs) are required to maintain synchronization in the processing of communication data since the time it takes a signal to traverse between a base station (BS) and a Mobile Terminal (MT) can change during the course of a wireless communication.

Claims 1 and 2 stand finally rejected under § 102 as being anticipated by Oksala (U.S. Patent 6,477,151). However, Oksala does not does close the claimed CFN nor the claimed TA signal which includes both TA data and a CFN.

Oksala only identifies slot numbers within the frame structure in which "timing access bursts" and TAVs (timing advance values) are to be transmitted. The Examiner cites Oksala disclosure at column 4, lines 23-29 which states:

> at the base station subsystem, allocating to the mobile station an idle frame slot number, said slot number identifying the time slot in said idle frames when said timing access burst and said timing advance values should be transmitted;

The Examiner's anticipation rejection asserts that slot numbers identified in Oksala are the same as the claimed CFN. They are not. The CFN is an identification of when a timing advance based on TA data is implemented; Oksala's slot numbers identify a slot in which to transmit the TA data. Oksala does not identify a specific

frame when the timing advance is implemented. The CFN does not identify when TA data should be transmitted. The two are entirely different.

By sending the CFN with TA data, the base station tells the mobile terminal exactly when to start transmitting time adjusted signals based on that TA data. In such context, the Oksala slot numbers only inform the mobile unit in which slots to look for TA signals; those slot numbers have no relationship to a specific time for the mobile unit to start transmitting time adjusted signals.

The Oksala TAV is roughly equivalent to the TA data specified by the pending claims. However, Oksala does not disclose or suggest transmitting a Connect Frame Number (CFN) with the TAV in order to advise the receiving station when to implement the timing adjustment; this is required by the pending claims.

In the specific context of Oksala, the mobile unit is sending the TA data to the base station in a time slot which had been previous identified by the base station. Neither the mobile unit or the base station is instructed by the other when to commence a new timing adjustment. Claims 1 and 2 define both the CFN and TA data to be transmitted together so that the receiving station knows exactly when to implement a timing adjustment based on the received TA data.

In Oksala, no TA data is sent with the slot number identification. The Oksala "timing access burst" is sent by the mobile unit in the slot number identified by the base station, but the "timing access burst" is <u>not</u> a signal which is adjusted in accordance with a TAV. Oksala at column 4, lines 18-22 explains:

> In the current GPRS recommendation, a MS transmits a "timing access burst" to the BSS on an uplink Packet Timing Advance Control Channel (PTCCH) channel once every eight multiframes. One access burst is transmitted for each channel allocated to the MS (uplink and downlink). The timing access burst is transmitted in a slot allocated to the MS for this purpose. **This transmission is not advanced** and so the BSS is able to determine the TAV by determining the time shift in the access burst relative to the time base of the BSS. ...
> (Emphasis added)

In Oksala, there is no communication between the stations as to a specific frame in which to commence transmitting a signal based on a specific timing adjustment indicated by a particular received TAV. In Oksala, neither the "timing access bursts" nor the TAVs include the claimed: "TA data and a Connect Frame Number (CFN) specifying a specific frame for effectuating a timing adjustment."

For the above reasons, withdrawal of the rejection of claims 1 and 2 over Oksala and allowance are respectfully requested.

Respectfully submitted,

Stephen E. Terry

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